

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The Owner, Finisar Corporation, having 100% interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of prior patent No. U.S. 7,099,382 and reference application Nos. U.S. 10/420,027, U.S. 10/629,228, U.S. 10/629,302, U.S. 11/073,452, and U.S. 11/118,172 as the term is defined in 35 U.S.C. 154 and

173, and as the term of said prior patent or reference applications are presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent or reference applications are commonly owned. This Agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend beyond the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as the term of said prior patents is presently shortened by any terminal disclaimer, in the event that said prior patent later: expires for failure to pay a maintenance fee; is held unenforceable; is found invalid by a court of competent jurisdiction; is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321; has all claims canceled by a reexamination certificate; is reissued; or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend beyond the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said reference applications, as the term of any patent granted on said reference applications may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference applications, in the event that: any such patent: granted on the pending reference applications: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated this 1st day of August, 2008.

Respectfully submitted,

/Peter F. Malen, Jr./Reg.# 45576

PETER F. MALEN, JR.
Registration No. 45,576
Attorney for Applicant
Customer No. 22913

C:\NRPORTBL\DMIS1\MMCCELLAND\2057638_1.DOC